



DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

Program Statement

OPP: Case Management Services
Number: 4160.6A
Date: January 26, 2001
Subject: Inmate Marriages

1. **PURPOSE AND SCOPE.** To establish general guidelines and procedures to be used in completing a request for marriage by inmates under the purview of the District of Columbia Department of Corrections (DCDC).
2. **PROGRAM OBJECTIVES.** The expected result of this program is that inmate marriages will generally be permitted, unless it is reasonably determined that an inmate marriage would conflict with the legitimate correctional interests of the agency.
3. **DIRECTIVES RESCINDED**

D.O. 4160.6 "Inmate Marriages," (12/10/90)
4. **STANDARDS REFERENCED.** None
5. **AUTHORITY.** D.C. Code Section 24-442
6. **PROCEDURES**
 - a. **ELIGIBILITY.** An inmate housed in any correctional, detention, community correctional center or contract facility who is detained under the authority of the DCDC may request to be married.

The Warden or Administrator, Community Release Programs shall only approve an inmate's request for marriage when all of the following criteria have been satisfied.

- (1) The inmate is legally eligible to marry.
- (2) The inmate is mentally competent.
- (3) The intended spouse is in the community and has provided a notarized letter of intent to marry the inmate.
- (4) The marriage arrangement does not conflict with legitimate correctional interests of the DCDC.

- (5) A marriage ceremony in the institution shall not be denied because it may inconvenience the institution. Ordinarily, if there is concern regarding institution security or good order, the matter can be resolved by controlling the place, date, time and number of participants for the ceremony.

b. MARRIAGE REQUESTS

- (1) Each inmate who desires to marry shall submit a written request to his or her Case Manager. This request will be evaluated based upon marriage eligibility criteria described in subparagraph 6a above. In the event an inmate chooses to withdraw his/her marriage request, the withdrawal must be in writing and filed in the inmate's record.
- (2) Case Managers shall rely primarily on information available in the inmate record and a face to face interview with the inmate when making their recommendation to approve or disapprove an inmate's marriage request.
- (3) The Case Manager shall ensure that a written statement verifying the intended spouse's consent to marry accompanies an inmate's marriage request.
- (4) When the Case Manager has completed his or her review and compiled the necessary information pertaining to an inmate's marriage request, this information shall be forwarded to the institution Chaplain and or the Community Corrections Center (CCC) Administrator for further review.
- (5) The Inmate shall bring a Disbursement Slip to the Case Manager who shall verify the availability of funds in the account. The Case Manager shall submit the Disbursement Slip to Inmate Finance. When the Inmate receives the receipt, he or she may sign up for sick call and make an appointment to have the blood drawn for the required test.
- (6) When the institutional Chaplain has completed the marriage counseling with the couple and his or her review, a recommendation pertaining to the inmate's marriage request shall be forwarded to the Warden for approval. A CCC Administrator shall assure that the inmate has received marriage counseling before forwarding the recommendation to the Administrator, Community Release Programs for review.
- (7) Inmate marriage requests shall be responded to within 30 calendar days after receiving the package from the Chaplain. The package shall include the inmate's request, spouses request, a brief memorandum from the Case Manager forwarding the request to the Chaplain, and the Chaplain's recommendation. The Warden or Administrator, Community Release Programs shall respond in writing approving or disapproving the request. Disapproval shall be justified. A copy of the approval or disapproval shall be placed in the Inmate Record and a copy given to the Inmate.

c. FINANCIAL OBLIGATION. The inmate shall be responsible for all cost associated with the marriage.

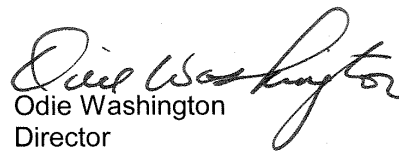
d. DEPARTMENT MARRIAGE CEREMONIES

- (1) The Warden may approve the use of correctional facilities for inmate marriage ceremonies.
- (2) The marriage ceremony shall be performed by someone legally authorized to perform marriages. The institutional Chaplain must confirm that a community person requested to perform the marriage ceremony is licensed to do so.
- (3) DCDC Chaplains may decline to perform the marriage ceremony because of ecclesiastical restraints. Upon request of the inmate, the institutional chaplain will assist that inmate in preparing for an approved marriage, i.e., by providing, or arranging for an inmate to receive, prenuptial marriage counseling.
- (4) The Warden shall require that a marriage ceremony at the institution be a private ceremony conducted without media publicity.
- (5) The Warden shall notify the Deputy Director for Operations of the proposed marriage of an inmate whose marriage to another inmate might attract significant attention.

e. SPECIAL CIRCUMSTANCES

- (1) Detainers and Pending Charges – Staff review of a marriage request from an inmate who has a detainer(s) and/or a pending charge(s) shall include an assessment of the legal effects of the marriage on these actions. For example, an inmate could request to marry a potential witness in litigation pending against that inmate. Approving this marriage could affect the status of this litigation. Another example might be an inmate with a deportation detainer who may request permission to marry to avoid deportation. When warranted, the U.S. Attorney, Immigration and Naturalization Services (INS), or other appropriate authorities shall be contacted for their comments prior to the Case Manager 's report being forwarded to the Warden.
- (2) Pretrial Inmates – A pretrial inmate may request permission to marry in accordance with the provisions of this program statement. Staff shall contact the court, U.S. Attorney, and in the case of an alien, the Immigration and Naturalization Service, to advise of the marriage request of the pretrial inmate and to request their comments. Comments received should be specifically mentioned, and considered, in the Case Managers memorandum.
- (3) DCDC Inmates Housed in Contract or ICC Facilities – A DCDC Inmate who is not confined in a DCDC institution and who wishes to get married shall submit a

request to the Administrator of Case Management Services. The Administrator of Case Management Services shall advise the confining authority of the inmate's request and ask that the information identified in subparagraphs 6a and 6b be provided. The Administrator of Case Management services shall then forward a recommendation to the Administrator of external confinement and monitoring whom will approve or disapprove the request(s). All other requirements in this Program Statement are applicable to Inmates housed in Contract or ICC Facilities. Inmates housed in contract CCCs shall follow the same procedures outlined above for those in DCDC institutions/facilities.


Odie Washington
Director